

## INTERFERENCE DIGEST

Interference No. 105,485

Paper No.

Name: Jeffrey Browning et al.

Serial No.: 09/911,777

Patent No. 6,869,605, granted 03/22/05

Title: Baff, inhibitors thereof and their use in the modulation of B-cell response

Filed: 07/24/01

Interference with YU et al.

### DECISION ON MOTIONS

Administrative Patent Judge, \_\_\_\_\_ Dated, \_\_\_\_\_

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### FINAL DECISION

Board of Patent Appeals and Interferences, \_\_\_\_\_ Dated, \_\_\_\_\_

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Court, \_\_\_\_\_ Dated, \_\_\_\_\_

### REMARKS

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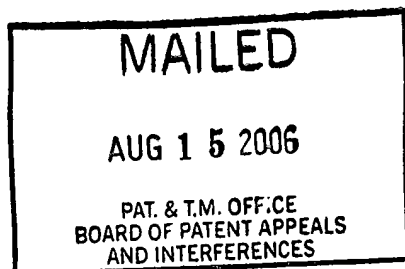
This should be placed in each application or patent involved in interference in addition to the interference letters.



## UNITED STATES PATENT AND TRADEMARK OFFICE

DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS AND INTERFERENCES  
BOX INTERFERENCE, WASHINGTON, D.C. 20231

Filed by: Judge Michael P. Tierney  
Telephone: 571-272-9797  
Facsimile: 571-273-0042



Patentees: BROWNING  
Application No.: 09/911,777, now Patent No.  
6,869,605, granted 03/22/05  
Filed: 07/24/01  
For: Baff, inhibitors thereof and their use in the  
modulation of B-cell response

The above-identified application or patent has been forwarded to the Board of Patent Appeals and Interferences because it is adjudged to interfere with another application or patent. An interference has been declared. The interference is designated as No. 105,485.

Notice is hereby given the parties of the requirement of the law for filing in the Patent and Trademark Office a copy of any agreement "in connection with or in contemplation of the termination of the interference." 35 U.S.C. § 135(c).

/Michael P. Tierney/  
MICHAEL P. TIERNEY  
Administrative Patent Judge

Mail Stop Interference  
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Fax: 571-273-0042

Paper 1

Filed August 15, 2006

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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JEFFREY **BROWNING**, CHRISTINE AMBROSE,  
FABIENNE MacKAY, JURG TSCHOPP, and PASCAL SCHNEIDER,  
Junior Party  
(U.S. Patent No. 6,869,605),

v.

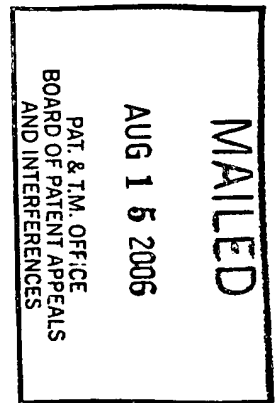
GUO-LIANG YU, REINHARD EBNER,  
and JIAN NI  
Senior Party  
(U.S. Application No. 09/589,288).

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Patent Interference No. 105,485 (MPT)  
(Technology Center 1600)

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DECLARATION - Bd.R. 203(b)<sup>1</sup>



- 1 Part A. Declaration of interference
- 2 An interference is declared (35 U.S.C. ' 135(a)) between the above-identified parties.
- 3 Details of the application(s), patent (if any), reissue application (if any), count(s) and claims

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<sup>1</sup> "Bd.R. x" may be used as shorthand for "37 C.F.R. ' 41.x". 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

1 designated as corresponding or as not corresponding to the count(s) appear in Parts E and F of  
2 this DECLARATION.

3       Part B. Judge managing the interference

4       Administrative Patent Judge Michael P. Tierney has been designated to manage the  
5 interference. Bd. R. 104(a).

6       Part C. Standing order

7       A Trial Section STANDING ORDER [SO] (Paper 2) accompanies this DECLARATION.  
8 The STANDING ORDER applies to this interference.

9       Part D. Initial conference call

10       A telephone conference call to discuss the interference is set for **2:00 p.m. on October**  
11 **10, 2006** (the Board will initiate the call).

12       No later than **four business days** prior to the conference call, each party shall file and  
13 serve (SO §§ 10.1 & 105) a list of the motions (Bd. R. 120; Bd. R. 204; SO §§ 104.2.1, 120  
14 & 204) the party intends to file.

15       A sample schedule for taking action during the motion phase appears as Form 2 in the  
16 STANDING ORDER. Counsel are encouraged to discuss the schedule prior to the conference  
17 call and to agree on dates for taking action. A typical motion period lasts approximately eight  
18 (8) months. Counsel should be prepared to justify any request for a shorter or longer period.

1       Part E. Identification and order of the parties

2                               Junior Party

3       Named inventors:       JEFFREY BROWNING, BROOKLINE, MA  
4                               CHRISTINE AMBROSE, READING, MA  
5                               FABIENNE MacKAY, VAUCLUSE, AUSTRALIA  
6                               JURG TSCHOPP, EPALINGES, SWITZERLAND  
7                               PASCAL SCHNEIDER, EPALINGES, SWITZERLAND  
8       Involved Patent:       U.S. Patent No. 6,869,605, issued on March 22, 2005,  
9                               based upon U.S. Application No. 09/911,777  
10      Title:               BAFF, INHIBITORS THEREOF AND THEIR USE IN  
11                               THE MODULATION OF B-CELL RESPONSE  
12      Assignee:           Biogen Idec MA Inc.

13  
14                               Senior Party

15      Named Inventors:     GUO-LIANG YU, BERKELEY, CA  
16                               REINHARD EBNER, GAITHERSBURG, MD  
17                               JIAN NI, ROCKVILLE, MD  
18      Involved Application: U.S. Application No. 09/589,288, filed June 8, 2000  
19      Title:               METHODS OF INHIBITING B LYMPHOCYTES USING  
20                               ANTIBODIES TO NEUTROKINE-ALPHA  
21      Assignee:           Human Genome Sciences, Inc.

The senior party is assigned exhibit numbers 1001-1999. The junior party is assigned exhibit numbers 2001-2999. Bd. R. 154(c)(1); SO § 154.2.1. The senior party is responsible for initiating settlement discussions. SO § 126.1.

## Part F. Count and claims of the parties

## Count 1

A method according to claim 1 of U.S. Patent No. 6,869,605 or claim 195 of U.S. Application No. 09/589,288.

The claims of the parties are:

**Browning, U.S. Patent No. 6,869,605:** 1-14

Yu, U.S. Application No. 09/589,288: 195-207

The claims of the parties which correspond to Count 1 are:

**Browning, U.S. Patent No. 6,869,605:** 1-14

**Yu, U.S. Application No. 09/589,288:** 195-207

The claims of the parties which do not correspond to Count 1, and therefore are not involved in the interference, are:

**Browning, U.S. Patent No. 6,869,605:** None

Yu, U.S. Application No. 09/589,288: None

1 The parties are accorded the following benefit for Count 1:

2 Browning is accorded priority benefit of the following applications:

- 3 i) PCT/US00/01788, filed January 25, 2000;  
4 ii) U.S. Provisional Application No. 60/143,288, filed July 9, 1999;  
5 iii) U.S. Provisional Application No. 60/117,169, filed January 25, 1999.

6  
7 Yu is accorded priority benefit of the following applications:

- 8 i) U.S. Application No. 09/507,968, filed February 22, 2000, now U.S. Patent No.  
9 6,812,327, issued November 2, 2004;  
10 ii) U.S. Provisional Application No. 60/122,388, filed March 2, 1999;  
11 iii) U.S. Application No. 09/255,794, filed February 23, 1999, issued as U.S. Patent  
12 No. 6,716,576 on April 6, 2004;  
13 iv) U.S. Application No. 09/005,874, filed January 12, 1998, issued as U.S. Patent  
14 No. 6,689,579 on February 10, 2004.

1 Part G. Heading to be used on papers

2 The following heading must be used on all papers filed in this interference, see SO  
3 § 106.1.1:  
4

5 UNITED STATES PATENT AND TRADEMARK OFFICE  
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8 BEFORE THE BOARD OF PATENT APPEALS  
9 AND INTERFERENCES  
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11

12 JEFFREY BROWNING, CHRISTINE AMBROSE,  
13 FABIENNE MacKAY, JURG TSCHOPP, and PASCAL SCHNEIDER,  
14 Junior Party  
15 (U.S. Patent No. 6,869,605),  
16

17 v.  
18

19 GUO-LIANG YU, REINHARD EBNER,  
20 and JIAN NI  
21 Senior Party  
22 (U.S. Application No. 09/589,288).  
23

24  
25  
26 Patent Interference No. 105,485 (MPT)  
27 (Technology Center 1600)  
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32 Part H. Order form for requesting file copies

33 When requesting copies of files, use of SO Form 4 will greatly expedite processing of the  
34 request. Please attach a copy of Parts E and F of this DECLARATION with a hand-drawn circle  
35 around the patents and applications for which a copy of a file wrapper is requested.

36  
37 /Michael P. Tierney/  
38 MICHAEL P. TIERNEY  
39 Administrative Patent Judge



1 Enc:  
2 Copy of STANDING ORDER  
3 Copy U.S. Patent 6,869,605  
4 Copy of claims of U.S. Application No. 09/589,288  
5  
6 Revised 3 January 2006  
7  
8  
9 cc (via overnight delivery):  
10  
11 Attorney for **BROWNING**:  
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